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09/787,543	03/20/2001	Jean-Louis Tayot	P07104S00/LR	2550
881	7590 12/26/2002		EVAMB	NICP.
LARSON & TAYLOR, PLC 1199 NORTH FAIRFAX STREET SUITE 900			FOELAK, MORTON	
ALEXANDRIA, VA 22314			ART UNIT	PAPER NUMBER
			1711 DATE MAILED: 12/26/2002	6

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensive of NOTH 15 from the maining date of the communication. If the period for reply specified above is less than thirty (30) each, a septy with me statutory maniform the statutory maniform than the period for reply specified above, the maximum statistics, statutor, and the period for reply specified above, the maximum statistics, statutor, and the period for reply specified above, the maximum statistics, statutor, and the period for reply specified above, the maximum statistics, statutor, and the period for reply specified above, the maximum statistics, statutor, and the period for reply specified above, the maximum statistics, statutor, and the period of reply specified above, the maximum statistics, statutor, and the period of the period o				A	15.			
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2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-54 is/are pending in the application. 4a) Of the above claim(s) 1-43 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 4-54 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a accepted or b objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a approved b disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b Some c None of: 1. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 119(e) (to a provisional application a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.	THE M - Extens after S - If the p - If NO - Failure - Any re earned	IAILING DATE OF THIS COMMUNICATION. sions of time may be available under the provisions of 37 CFR 1.15 (6) MONTHS from the mailing date of this communication. Deriod for reply specified above is less than thirty (30) days, a repperiod for reply is specified above, the maximum statutory period be to reply within the set or extended period for reply will, by statute the poly received by the Office later than three months after the mailing	I36(a). In no event, however, ly within the statutory minimul will apply and will expire SIX	, may a reply be timely filed m of thirty (30) days will be considered timely. (6) MONTHS from the mailing date of this communication.				
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3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	1) No	tice of References Cited (PTO-892)	4)	Interview Summary (PTO-413) Paper No(s) Notice of Informal Patent Application (PTO-152) Other:				



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DETAILED ACTION

1. Claims 1-43 are withdrawn from further consideration pursuant to 37 CFR
1.142(b), as being drawn to nonelected inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper
No. 5 has been considered, however applicants' argument related to the examiner who did not restrict the claims in the instant case in the national stage of a PCT application does not have to be followed by the examiner in the instant case. And since applicant has not particularly traversed the requirement on the grounds set forth in the instant case, specifically PCT Rules 13.1 and 13.2, it is deemed that the requirement is made FINAL.

.Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 44-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stroetmann. Patentee discloses polymerization and crosslinkage of a protein such as fibrin and thereafter foams said fibrin with a gas such as carbon dioxide or nitrogen. The fact that patentee in col. 10 lines 14-23 and 37-51 states the fibrin is freeze/thawed is indicative of the fact that the fibrin contained water. The fact that applicant is calling for a kit in the instant claims without setting forth the specific means for containing said ingredients in kit form from which the foaming of the materials does not give materiality

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Over the disclosure of the reference. In other words how is the gas and the fibrin contained within the kit?

It is deemed that the instant claims read on the disclosure of the reference.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Morton Foelak whose telephone number is (703) 308-2442. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (703) 308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

M.F.

December 19, 2002

Morton Foelak Primary Examiner Art Unit 1711